

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1, 2, and 4-7 are pending in the present application, Claim 1 having been amended, and Claim 3 having been canceled without prejudice or disclaimer. Support for the amendment to Claim 1 is found, for example, in Fig. 4. Applicant respectfully submits that no new matter is added.

In the outstanding Office Action, Claims 1, 2, and 5-7 were rejected under 35 U.S.C. §103(a) as unpatentable over Hayashi (U.S. Patent No. 6,655,483) in view of Reese (U.S. Patent No. 4,821,827); Claim 3 was rejected under 35 U.S.C. §103(a) as unpatentable over Hayashi in view of Reese, and further in view of Lamoureux (U.S. Patent No. 4,655,307); and Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Hayahsi in view of Reese, and further in view of Scaduto (U.S. Patent No. 5,686,818).

In a non-limiting embodiment of the claimed invention shown in Fig. 4 of the specification, rear wheel axel 18 is disposed so as to overlap with motor 15 in a rear side view. Under guard 19 is disposed to extend below gear case 16, and under guard 19 is mounted to motor 15.

In the non-limiting embodiment shown in Fig. 4, the motor is arranged at a lower position in the arrangement of the vehicle components, and thus, the center of gravity of the entire structure of the vehicle can be lowered. Rough-road running four-wheeled vehicles generally run a rough-road having irregularities. Thus, a vehicle with an arrangement that provides a low center of gravity is significant for safe and stable running.

Moreover, there is a concern that motor 15 and/or gear case 16 may collide with a rock or the like while on the rough-road. The configuration where the motor 15 overlaps with the rear wheel axel in the rear side view allows the rear wheel axel to protect motor 15.

The rear wheel axel providing protection to the motor has the advantage that it eliminates the need to increase the size of under guard 19.

Furthermore, the non-limiting embodiment of the claimed invention shown in Fig. 4 of the present application, the mounting of the under guard 19, disposed to extend below the gear case 16 and attached to motor 15, enables the under guard to bump-rebound with the rear wheel axle 18. For example, under guard 19 is connected to motor 15, which is connected to shock absorber 17. The rear axle is connected to gear case 16, which is connected to the motor (which is connected to the shock absorber). Thus, the under guard and the rear axle are able to bump-rebound together. This further improves the rough-road running performance of the vehicle.

With respect to the rejection of Claim 1 as unpatentable over Hayashi in view of Reese, Applicants respectfully submit that the amendment to Claim 1 overcomes this ground of rejection. Amended Claim 1 recites, *inter alia*, “the rear wheel axle is overlapped with the motor in a rear side view, and an under guard is mounted to the motor, the under guard including a portion that extends below the gear case.”

Fig. 1 of Hayashi discloses that motor 12 is disposed completely above the rear-wheel axle. Thus, Hayashi does not disclose or suggest that the rear wheel axle is overlapped with the motor in a rear side view. The arrangement disclosed in Hayashi disturbs the low center of gravity arrangement.

Furthermore, Hayashi does not disclose or suggest the claimed “an under guard is mounted to the motor, the under guard including a portion that extends below the gear case.”

Furthermore, Reese does not disclose or suggest the claimed “an under guard is mounted to the motor, the under guard including a portion that extends below the gear case.” Fig. 1 of Reese shows members 22 and 23, which are utilized at a time of mounting an engine 15 on a frame 19. Members 22 and 23 do not equate to the claimed “under guard.”

Furthermore, Lamoureux does not cure the above-noted deficiencies in Hayashi and Reese. In the arrangement disclosed in Lamoureux, a belly pan 37 is attached to a vehicle body, and not the motor. As shown in Fig. 1 of Lamoureux, the belly pan 37 obstructs the displacement of the rear axel when traversing bumpy terrain. Thus, belly pan 37 does not bump-rebound with the rear wheel axel. For example, the vehicle disclosed in Lamoureux cannot traverse a fallen tree or large rock on a road when the vehicle shown in Fig. 1 of Lamoureux rides over the fallen tree or large rock with only one of the rear wheels. This is because the belly pan 37, which is attached to the frame (rather than the motor) obstructs the displacement of the rear wheel axel as the one rear wheel traverse the fallen tree or large rock.

In the non-limiting embodiment of the claimed invention, the under guard 19 is disposed on a side of the rear wheel axel and is relatively displaceable with the vehicle side. Thus, in the non-limiting embodiment of the claimed invention, the relative distance between a fallen tree (for example) and the under guard does not vary when only one of the rear wheels rides over the fallen tree. Thus, a collision between the fallen tree can be prevented.

Furthermore, Scaduto does not cure the above-noted deficiencies in Hayashi, Reese, and Lamoureux. Scaduto is directed toward a power system for an electric vehicle and does not disclose or suggest the claimed "an under guard is mounted to the motor at a portion below the gear case."

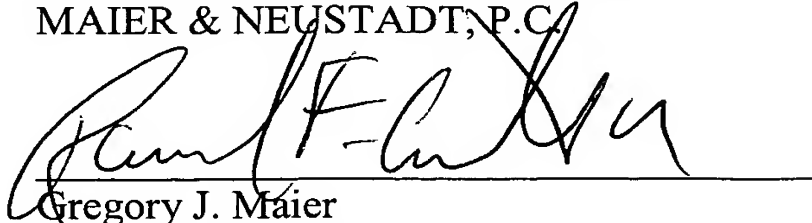
In view of the above-noted distinctions, Applicant respectfully submits that amended Claim 1 (and Claims 2-7 dependent thereon) patentably distinguish over Hayashi, Reese, Lamoureux, and Scaduto, taken alone or in proper combination.

Application No. 10/694,010
Reply to Office Action of June 16, 2006

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

A handwritten signature in black ink, appearing to read 'Gregory J. Maier', is written over a horizontal line.

Gregory J. Maier
Attorney of Record
Registration No. 25,599

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

Raymond F. Cardillo, Jr.
Registration No. 40,440

I:\ATTY\JW\244582US\244582US_AM DUE 9-16-06.DOC